



City of Malden

Massachusetts

POLICE DEPARTMENT

Mr. George LeVines
MuckRock News
DEPT MR 5837
PO Box 55819
Boston, MA 02205-5819
May 29, 2013

Dear Mr. LeVines,

In response to your inquiry requesting copies of all controlled substance seizure reports dating from January 1, 2006 to May 28, 2013, I have completed my initial investigation and arrived at the following conclusion, I am respectfully declining to release the contents under the Public Records Law, more specifically, Exemption (a) - The Statutory Exemption, the majority of drug seizures involve arrests which implicates Criminal Offender Records Information (C.O.R.I.). Exemption (b) – Personnel practices of individuals within covert units, such as the drug enforcement unit. Exemption (c) – The Privacy Exemption, as many of these reports may implicate privacy interests involving substance abuse, government assistance, and individual reputation. Exemption (f) – The Investigatory Exemption, investigatory materials necessarily compiled out of the view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.¹

The scope of your inquiry would involve many hours of segregation and redaction. I would conservatively estimate that research, segregation, and redaction of 6 years of drug seizure reports would consume approximately 40 – 60 hours of research (rough estimate, could be more or less). The hourly rate would be based on a Captains scale, as the keeper of records is required to use his/her "superior knowledge" to segregate information from reports. Drug seizure reports may involve a multitude of sensitive situations. These situations range from confidential informant information to drug unit practices to substance abuse and many other exempted situations. To have a person of lesser rank perform these research, segregation, and redaction functions would be irresponsible. This request is not a simple function of locating and copying such reports. Extensive amounts of analysis and research would be absolutely essential to insure the rights of all involved.

You have the right to appeal your request to the Division of Public Records, namely the "Supervisor." You have (90) days from the date of your original request to appeal to the Supervisor. The appeal must include a copy of your original request and any response from the records custodian. The decisions are on a case-by-case basis at the discretion of the Supervisor. The supervisor will provide an opinion on the appropriateness of the records custodian's response and a determination as to whether the requested record is public.²

Regards,

Captain Glenn T. Cronin
Administration & Operations
Malden Police Department
200 Pleasant Street
Malden, MA 02148
781-397-7171
FBINA Session 227

¹Guide to the Massachusetts Public Records Law, pg. 15, 2009

²Guide to the Massachusetts Public Records Law, pg. 1, 2009